

law itself is obscure. *State v. Archer*, 73 Md. 56. And see *Vansant v. State*, 96 Md. 126.

This section does not apply to a clerk to the county commissioners who embezzled money received on their account and as their agent. This section is applicable only to public officers required by law to account with or pay over to the state treasurer or other person by law authorized to receive the money. *State v. Denton*, 74 Md. 519.

This section referred to in deciding that a court clerk is liable to the state for interest on public monies collected by him. *Vansant v. State*, 96 Md. 126.

Escaping from Penitentiary.

1904, art. 27, sec. 111. 1888, art. 27, sec. 81. 1860, art. 30, sec. 51. 1809, ch. 138, sec. 2. 1837, ch. 320, sec. 18.

121. If any offender, sentenced to undergo a confinement in the penitentiary, shall escape, he shall, on conviction thereof, suffer such additional confinement and hard labor, agreeably to the laws of this State, as the criminal court of Baltimore shall adjudge and direct; and if any keeper, deputy, assistant keeper, or other person shall aid or assist in the escape of any offender confined in the penitentiary, he shall, on conviction thereof by the criminal court of Baltimore, undergo such confinement in the said penitentiary as the said court may adjudge, not less than eighteen months nor more than ten years.

As to the penitentiary, see section 623, *et seq.*

False Pretenses.

Ibid. sec. 112. 1888, art. 27, sec. 82. 1860, art. 30, sec. 52. 1835, ch. 319, secs. 1, 2.

122. Any person who shall by any false pretense obtain from any other person any chattel, money or valuable security, with intent to defraud any person of the same, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be punished by fine and imprisonment, or by confinement in the penitentiary for not less than two years nor more than ten years, as the court shall award; provided always, that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny or robbery, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried upon such misdemeanor shall be afterwards liable to be prosecuted for larceny or robbery upon the same facts; and provided also, that a mere promise for future payment, though not intended to be performed, shall not be sufficient to authorize a conviction under this section.

While in an indictment under this section the false pretenses intended to be relied upon need not be set out, the indictment in other respects must fully inform the accused of the charge, must enable the court to determine whether the facts alleged constitute a crime and must protect the traverser against further prosecution for the same offense. This section deals with a subsisting security and not merely the obtention of a signature to the instrument. The ownership of the property or securities should be distinctly alleged, and also that the bill of sale or chattel mortgage was assigned or transferred to the traverser by the owner, or that something passed to the traverser more than the mere paper writing. *State v. Blizard*. 70 Md. 390.